SOIL-APPLIED GRANULES WITH CONTROLLED RELEASE OF ACTIVE

In re Application of

STADLER et al.

For:

Serial No. 09/762,044

Filed: February 1, 2001

MAY 2 8 2002 ST

Art Unit: 1616

Examiner: Levy

#6 8KO 6-12-02

INGREDIENT(S) (SOIL-APPLIED CR GRANULES)

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addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

May 28 2002

Date of Deposit Herbert B. Keil

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Date of Signature

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction/Election Requirement of March 20, 2002, applicants elect the following species, with traverse:

- a) compound 3: 2-[2-(2-isopropoxy-2-(Z)-methoxyimino-1-methyl-(E)-ethylidene-aminooxymethyl)phenyl]-2-(E)-methoxyimino-N-methylacetamide (p. 33, I. 20-23),
 - b) polyethylene wax emulsion (claim 3),
 - c) micropores generated by abrasion (claim 9),
 - d) fungi (claim 10),
 - e) additive: polypropyleneoxide (p.37, l. 13-17).

05/30/2002 YPQLITE1 00000025 09762044

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As the examiner acknowledges, this application was filed under 35 U.S.C. 37 (20)

fore, unity of invention (not restriction) practice is applicable (see MPEP Therefore, unity of invention (not restriction) practice is applicable (see MPEP 1893.03(d)). MPEP §§ 803 and 809.02(d) cited by the examiner do not apply to this application. Unity of invention shall be fulfilled when there is a technical relationship among a group of inventions involving one or more of the same or corresponding special technical features (see PCT Rule 13.2). Here, the claimed inventions do not lack unity of invention because they have a technical feature in common (CR granules) which defines a contribution over the art.

A check in the amount of \$400.00 for the two month extension is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

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JDV/kas